

## Message Text

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ACTION ACDA-19

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TO SECSTATE WASHDC 7959

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

USUN NEW YORK 969

USMISSION NATO

USMISSION IAEA VIENNA

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 5495

FROM PREPCOM DELEGATION

E.O. 11652: GDS

TAGS: PARM

SUBJ: NPT PREPCOM II: FOURTH PLENARY

SUMMARY: PREPCOM II GOT DOWN TO BUSINESS WITH DISCUSSION OF DRAFT RULES OF PROCEDURE FOR REVIEW CONFERENCE. ON ISSUE OF WHETHER REVIEW CONFERENCE SHOULD BE "OPEN" OR "CLOSED", SPEAKERS WERE OVERWHELMINGLY IN FAVOR OF "OPEN" BUT WITH SEVERAL LIMITING THIS TO PLENARY SESSIONS WITH COMMITTEES TO REMAIN CLOSED. ON METHOD OF REACHING DECISIONS, SPEAKERS ABOUT EQUALLY DIVIDED BETWEEN THOSE WHO CALLED FOR CONSENSUS ONLY AND THOSE WHO WANT EMPHASIS ON CONSENSUS BUT SOME PROVISION FOR VOTING WHEN NECESSARY. ON PARTICIPATION BY NON-PARTIES AS OBSERVERS, SPEAKERS DIVIDED BUT SIGNIFICANT SENTIMENT FOR DELAY ON THIS QUESTION UNTIL NEXT

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FEBRUARY. ALL SPEAKERS APPEARED AGREEABLE TO TWO

MAIN COMMITTEES. THOSE WHO REFERERED TO SUBJECT OF VICE-PRESIDENTS FAVORED NUMBER LARGE ENOUGH TO PROVIDE REPRESENTATIO OF VARYING VIEWPOINTS RATHER THAN TIGHTLY LIMITED NUMBER. END SUMMARY.

1. PREPCOM PLENARY AUGUST 29 OPENED WITH CONTINUATION OF CONSIDERATION PAPERS SUBMITTED FOR REVIEW CONFERENCE. OPANAL PAPER RECEIVED BRIEF COMMENTS, WITH SWEDEN ADDING A FEW POINTS AND NIGERIA ASKING DELETION OF REFERENCE TO FACT NUCLEAR POWERS USSR AND INDIA (SIC) HAD NOT SIGNED PROPOCOL II. MEXICAN REP ASKED IF IAEA INSPECTOR GENERAL ROMETSCH COULD PROVIDE INFO ON DISCREPANCY BETWEEN IAEA AND OPANAL PAPERS REGARDING PROBLEM OF IAEA SAFEGUARDS AGREEMENT WITH PANAMA AND ROMETSCH ANSWERED THIS WAS MISUNDERSTANDING WHICH HE THOUGH WOULD QUICKLY BE CLEARED UP BY CORRESPONDENCE BETWEEN IAEA AND OPANAL.

2. USDEL PROPOSED CHAIRMAN THANK IAEA, UN AND OPANAL FOR PAPERS. STATED FACT US HAD NOT COMMENTED ON CONTENTS OF PAPERS MEANT NEITHER AGREEMENT NOR DISAGREEMENT WITH THEM, BUT REFLECTED FACT US WOULD HOLD DISCUSSION OF SUBSTANCE UNTIL AFTER FULL STUDY OF PAPERS. MEXICO ENDORSED US SUGGESTION WITH UNDERSTANDING CHAIRMAN WOULD INCLUDE IN LETTER REQUEST THAT PAPERS BE UP-DATED BY END OF THIRD PREPCOM TAKING INTO ACCOUNT SUGGESTIONS MADE IN PREPCOM. WITHOUT OBJECTION CHAIRMAN AGREED TO DO THIS.

3. CANADA OPENED DEBATE ON RULES OF PROCEDURE FOR REVIEW CONFERENCE WITH RECOMMENDATION MEETINGS BE OPEN AND THAT FRAMEWORK BE KEPT SIMPLE WITH ONE OR AT MOST TWO VICE-PRESIDENTS, ONE OR TWO MAIN COMMITTEES AND SMALL STEERING COMMITTEE TO INCLUDE THESE OFFICERS PLUS THREE DEPOSITARIES. SAID THERE WAS NO NEED TO DECIDE IMMEDIATELY ON QUESTION OF GOVERNMENTAL AND NON-GOVERNMENTAL OBSERVERS.

4. AUSTRALIA SAID ITS VIEWS SIMILAR TO CANADA'S. IT WAS ON SIDE OF PUBLIC MEETING WHICH WOULD HAVE CONFIDENTIAL

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IMPLICATIONS FOR BUT NOT NECESSARILY DETERMINE PARTICIPATION IN CONFERENCE BY NON-PARTIES.

5. SWEDEN ALSO SUPPORTED OPEN CONFERENCE WITH PROVISION FOR OTHER INTERESTED COUNTRIES, PARTICULARLY SIGNATORIES, TO HAVE SOME PARTICIPATION. INTRODUCED MOTION CALLING FOR DECISIONS TO BE TAKEN BY CONSENSUS WHENEVER POSSIBLE BUT BY VOTE (TWO-THIRDS ON SUBSTAN-

TIVE MATTERS, MAJORITY ON PROCEDURAL) WHEN CONSENSUS IMPOSSIBLE. EXPRESSED HOPE CONSENSUS WOULD ALWAYS BE OBTAINED BUT FELT NEED FOR POSSIBILITY OF VOTING IF NECESSARY SINCE OTHERWISE SOME IMPORTANT DECISIONS MIGHT NOT BE TAKEND.

6. BULGARIA CALLED FOR PARTICIPATION IN CONFERENCE BY PARTIES ONLY. NOTED DRAFT RULES REQUIRED CONSENSUS ON SUBSTANTIVE MATTERS AS OPPOSED TO PROCEDURAL AND BELIEVED THIS WAS PROPER WAY TO DEAL WITH DELICATE STRUCTURE OF RELATIONSHIPS UNDER TREATY. DECISIONS OF LASTING NATURE SHOULD BE THOSE ACCEPTED BY ALL. RECOMMENDED TWO MAIN COMMITTEES.

7. YUGOSLAVIA DEL NOTED SOME RULES MIGHT NOT BE FINALLY DECIDED AT THIS MEETING AND THOUGH IT MIGHT BE WELL TO HOLD SOME FOR FEBRUARY MEETING TO FACILIATE DISCUSSION WITH OTHER PARTIES AT GA. FAVORED OPEN CONFERENCE INCLUDING NON-PARTIES AS OBSERVERS.

8. PHILIPPINE DEL ASKED THAT CONFERENCE BE OPEN TO PUCLIC. RE PARTICIPATION, HOWEVER, IT WAS CLEAR FROM TREATY THAT CONFERENCE WAS ONE OF PARTIES SO DID NOT FAVOR PARTICIPATION BY OTHERS. AGREED EVERY EFFORT SHOULD BE MADE TO TRY TO GET CONSENSUS BUT THERE SHOULD BE POSSIBILITY OF MAJORITY VOTE IF THIS FAILED. SUGGESTED PARTIES NOT REPRESENTED ON PREPCOM SHOULD BE ASKED TO MAKE SUGGESTIONS FOR AGENDA.

9. ROMANIA BELIEVED REVIEW CONFERENCE SHOULD BE PUBLIC AND WELL PUBLICIZED TO ATTRACT WORLD PUBLIC OPINION AND STATES NOT YET PARTIES. DESIRED STICK TO CONSENSUS ON MATTERS OF SUBSTANCE BUT THIS SHOULD CONFIDENTIAL

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BE UNDERSTOOD AS PROCESS IN WHICH ALL MAKE GENUINE EFFORT TO SUCCEED. THOUGHT IT NEVERTHELESS NECESSARY TO OFFER CONFERENCE REALISTIC ALTERNATIVE, SUCH AS SEDISH PROPOSAL, IF CONSENSUS CANNOT BE OBTAINED. FAVORED WORKABLE STEERING COMMITTEE BUT SUFFICIENTLY LARGE AND REPRESENTATIVE TO PROVIDE DIRECTION AND LEADERSHIP TO MEET VARIOUS POSITIONS.

10. USDEL ASKED THAT THOSE SPEAKERS FAVORING "OPEN" CONFERENCE BE MORE SPECIFIC TO PERMIT BETTER CONSIDERATION OF THEIR PROPOSALS, E.G., DID THEY MEAN PLENARY TO BE OPEN AND COMMITTEES CLOSED, OR ALL MEETINGS CLOSED, ETC? ON OBSERVERS, SAID THERE TWO ASPECTS IF THIS MATTER RAISED NOW: ADVISABILITY OF ADMITTING OBSERVERS ON OWN MERITS, AND EFFECT

SUCH DECISION MIGHT HAVE, IF TAKEN AT THIS TIME, ON POSSIBLE RATIFICATIONS. NOTED THERE MIGHT BE SIGNATORIES WHOSE RATIFICATION MIGHT BE AFFECTED BY POSSIBILITY OF OBSERVER STATUS AND ANY SUCH CONSEQUENCES OF PREPCOM ACTION WOULD BE REGRETTABLE. THEREFORE, WITHOUT COMMITMENT ON MERITS OF QUESTION, HOPED THIS MATTER COULD BE HELD OVER TO FEBRUARY MEETING.

1. ON SUBJECT OF CONSENSUS, USDEL SAID IT IMPORTANT TO BEAR IN MIND WHAT RESULTS WE HOPE TO OBTAIN FROM REVIEW CONFERENCE ITSELF AND CONSIDER PREPARATIONS FROM POINT OF VIEW OF FURTHERING THOSE OBJECTIVES. FOR US HOPE WAS THAT REVIEW CONFERENCE WOULD SHOW STRENGTHENED TREATY, ATTRACT FURTHER MEMBERS AND REAFFIRM COMMITMENTS, OF UNCLEAR WEAPONS STATES AND NON-UNCLEAR WEAPONS STATES ALIKE, TO PRINCIPLES AND OBLIGATIONS UNDER TREATY. TO ACHIEVE THIS KIND OF RESULT, CONSENSUS WAS NECESSARY. DECISIONS TAKEN BY VOTE OVER OBJECTIONS OF PARTIES TO TREATY WOULD HAVE NO EFFECT VIS-A-VIS THOSE PARTIES; ON CONTRARY, THIS WOULD DEPRIVE PARTIES CONCERNED OF ABILITY TO SUPPORT REVIEW CONFERENCE RESULTS AND THUS DETRACT FROM OBJECTIVES WE SEEK. AGREED WITH ROMANIAN DEL THAT CONSENSUS WAS PROCESS REQUIRING GENUINE EFFORT TO HEAR AND CONSIDER SUCH OTHERS VIEWS AND TO FIND  
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COMPROMISES AMONG OPPOSING POSITIONS TO WHICH ALL COULD SUBSCRIBE.

12. MEXICAN DEL SUPPORTED WHAT SWEDISH AMBASSADOR HAD SAID. THERE WAS ENORMOUS DIFFERENCES BETWEEN "MAKING EVERY EFFORT" TO DO SOMETHING AND "HAVING" TO DO SOMETHING. REVIEW CONFERENCE MUST HAVE ALTERNATIVE WAY OF REACHING DECISIONS IF CONSENSUS FAILS. HE DID NOT MEAN NOT TO AGREE THAT THERE WAS VERY GREAT VALUE IN TRYING TO REACH CONSENSUS. HE SHARED ENTIRELY US VIEW  
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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 5495

FROM PREPCOM DELEGATION

STRENGTHEN NPT. WHERE QUESTIONS ARISE IS PROCEDURES FOR STRENGTHENING TREATY AND PARTIES MUST NOT ADOPT OSTRICH POLICY. NPT WAS ACCEPTED AS MEANS TO STEM HORIZONTAL AND VERTICAL PROLIFERATION. IT WAS NO SECRET THAT, FAR FROM FALLING OFF, THERE HAS BEEN ASTRONOMICAL INCREASE IN NUCLEAR STOCKPILES OF NUCLEAR WEAPONS STATES. HE PROPOSED A REVIEW CONFERENCE OPEN TO ALL STATES, ORGANIZATIONS, PRESS AND PUBLIC. IN DUE COURSE PREPCOM COULD DISCUSS PARTICIPATION, AS OPPOSED TO ATTENDANCE, BY UN MEMBERS NOT PARTY TO TREATY. HE FELT STEERING COMMITTEE SHOULD BE LARGE ENOUGH TO BE BROADLY REPRESENTATIVE.

AUSTRALIA ALSO EXPRESSED AGREEMENT WITH THE OBJECTIVES AND SENTIMENTS RE OUTCOME OF REVIEW CONFERENCE NOTED BY USDEL. BY PUBLIC CONFERENCE, HE HAD MEANT TO SAY PLENARY SESSIONS WOULD BE OPEN BUT CONFIDENTIAL  
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COMMITTEES DEFINITELY CLOSED. THERE MIGHT BE QUESTION OF OBSERVERS AT COMMITTEES BUT DEFINITELY NOT PUBLIC. THERE MIGHT BE GOOD CASE FOR PARTICIPATION BY SIGNATORIES BUT THIS COULD BE ADDRESSED AT LATER DATE. RE DECISIONS, CONSENSUS SHOULD NOT BE ENSHRINED AND VOTING HAS ITS USES. SWEDISH PROPOSAL THEREFOR HAD MUCH TO RECOMMEND IT.

14. DENMARK AGREED WORK OF CONFERENCE MAY REQUIRE SOME CLOSED MEETINGS AND SO CONCERNED WITH AUSTRALIA THAT COMMITTEES SHOULD CLEARLY NOT BE OPEN TO PUBLIC OR NON-PARTIES. AS FOR PARTICIPATION, WE WERE BOUND BY TREATY WORDING WHICH LIMITS PARTICIPANTS TO NPT PARTIES. DENMARK PREFERRED CONSENSUS AND THEREFORE HAS NO OBJECTION TO DRAFT RULE REQUIRING THIS.

15. SOVIET AMBASSADOR SIAD GENERAL COMMITTEE SHOULD BE NEITHER TOO LARGE OR TOO SMALL, PERHAPS UP TO TEN MEMBERS. THERE SHOULD BE TWO MAIN COMMITTEES. PARTICIPATION IN REVIEW CONFERENCE DETERMINED BY TREATY (AS LIMITED TO PARTIES) AND NOT MATTER FOR DISCUSSION. COMMITTEE MEETINGS SHOULD BE CLOSED WHILE PLENARY SESSIONS COULD BE OPEN SUBJECT TO ABILITY OF CONFERENCE TO DECIDE ON CLOSED MEETINGS UNDER SPECIAL CIRCUMSTANCES IF NECESSARY. ALL DILUTIONS OF CONSENSUS PRINCIPLE CONSTITUTED VITING SYSTEMS AND WERE CONTRARY TO AIM OF GETTING GENERALLY AGREED RESULTS OF REVIEW CONFERENCE. IT IS NOT POSSIBLE TO SOLVE PROBLEMS OF SECURITY OF NATIONS BY VOTING; THIS CAN ONLY BE DONE BY FINDING COMMON AREAS OF AGREEMENT.

16 PERU SUPPORTED CONSENSUS AS DESIRABLE WAY OF REACHING DECISIONS BUT DOUBTED ALL MATTERS COULD BE DECIDED IN THIS WAY AND SO SUPPORTED SWEDISH PROPOSAL.

17 USDEL SPOKE AGAIN ON CONSENSUS PRINCIPLE. IF ATTEMPT IS MADE TO REACH CONSENSUS ON IMPORTANT SUBSTANTIVE MATTER AND FAILS, VOTING IS NO VIABLE ALTERNATIVE. IF SIGNIFICANT PORTION OF PARTIES FEEL OPPOSED TO OTHER VIEW, BEING OVERRIDDEN BY VOTE, PERHAPS OF ONLY ONE, WILL NOT CAUSE THEM TO  
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REVERSE STAND AND ACCEPT VIEW OF MAJORITY. IN SUCH INSTANCE, PROPER PROCEDURE IS TO MAKE FURTHER EFFORTS FOR CONSENSUS. VOTING WOULD BE EASY WAY OUT, GETTING PAPER RESULT BUT PRODUCING NOTHING OF REAL VALUE. US THEREFORE HOPED ESSENTIALITY OF CONSENSUS WOULD BE RECOGNIZED.

18. PHILIPPINE REP SAID VIEWS OF THOSE FAVORING POSSIBLE ALTERNATIVE OF VOTING AND THOSE OPPOSING WERE NOT REALLY SO FAR APART. ALL PARTIES WOULD MAKE STRONG EFFORT TO GAIN CONSENSUS. MOTIONS PASSED BY VOTE WOULD NOT BE BINDING ON ANY PARTIES WHO VOTED AGAINST THEM AND THIS WOULD BE OBVIOUS TO ALL. NO MOTIONS WOULD HAVE VALIDITY AGAINST SOVERIGN POWERS IN ANY EVENT WITHOUT BEING PUT TO AMENDMENT PROCESS OF TREATY, WHICH CLEARLY HAD STRONG SAFEGUARDS.

19. SWEDISH AMBASSADOR AGREED WITH PHILIPPINE REP AND SAID THAT HE FELT SURE THAT IMPORTANT QUESTIONS OF SUBSTANCE WOULD BE DECIDED UPON BY CONSENSUS AND THAT POSSIBILITY OF THERE BEING VOTE MIGHT ASSIST IN CONSENSUS BEING REACHED, RATHER THAN BE OBSTACLE TO IT.

20. CANADIAN REP STATED HE CONSIDERED "OPEN" TO MEAN THAT COMMITTEES AS WELL AS PLENARY SESSIONS WOULD BE OPEN, ALTHOUGH BODIES MIGHT HAVE POWER TO GO INTO CLOSED SESSIONS IF DESIRED ON OCCASION. REGARDING DECISIONS, HE THOUGHT THAT IN CHARGED ATMOSPHERE OF CONFERENCE IT WOULD BE IMPORTANT TO AVOID DECISIONS BY FIAT AND IT MIGHT BE PREFERABLE TO RECORD DIFFERENCES OF OPINION WITHOUT DECIDING BETWEEN THEM RATHER THAN TAKE VOTES.

21. MEXICAN AMBASSADOR NOTED SWEDISH DRAFT REQUIRED TWO-THIRDS VOTE ON MATTERS OF SUBSTANCE AND THAT DECISIONS COULD THEREFORE NOT BE PUT ACROSS BY SIMPLE MAJORITY.

22. REPRESENTATIVE OF IRELAND SAID THAT REVIEW  
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CONFERENCE SHOULD NOT BE COMPARED WITH UN MEETINGS SINCE A CERTAIN CONSENSUS ALREADY EXISTS AMONG PARTIES BY REASON OF THEIR HAVING JOINED NPT. IRELAND THEREFORE FAVORED USE OF CONSENSUS TO REACH DECISIONS AND AGREED WITH CANADA IT WOULD BE PREFERABLE TO RECORD DIFFERENCES RATHER THAN DECIDE THEM BY VOTING.

23. PROBLEM OF TIMING AND DURATION OF CONFERENCE WAS AGAIN POSTPONED UNTIL NEXT MEETING BECAUSE OF LAST MEINUTE MEXICAN REDRAFT WHICH WILL HAVE TO BE TRANSLATED AND CIRCULATED. CHARIMAN STATED THAT GENERAL DISCUSSION ON PROCEDURES WILL CONTINUE AT NEXT MEETING AND GHEN COMMITTEE WILL PROCEED TO ITEM-BY-ITEM CONSIDERATION OF RULES.  
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